

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNIFYCLOUD, LLC,

Plaintiff,

v.

SPORTS 1 MARKETING CORP.,

Defendant.

Case No. C19-1519-MLP

ORDER TO SHOW CAUSE

UnifyCloud, LLC (“Plaintiff”) filed its Complaint on September 23, 2019. (Dkt. # 1.) Sports 1 Marketing Corporation (“Defendant”) has yet to appear. There has been no activity from Plaintiff in this matter since December 4, 2019, when an Affidavit of Service of Summons was filed. (Dkt. # 10.) On April 20, 2020, a Notice of Assignment to a U.S. Magistrate Judge and Declination of Consent was sent to Plaintiff along with an Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement. (Dkt. # 11, 12.) On April 29, 2020, consent to proceed before a Magistrate Judge was entered. (Dkt. # 13.)

It is within the inherent power and discretion of the court to *sua sponte* dismiss a civil case for lack of prosecution. *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991) (failure to prosecute must be unreasonable in order to support dismissal); *Ash v. Cvetkov*, 739 F.2d 493, 496

(9th Cir. 1984); *see* Fed. R. Civ. P. 41(b). The Court weighs five factors to determine if involuntary dismissal for lack of prosecution is proper. *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002) (citing *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)). Specifically, the Court considers: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendant; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives. *Id.* Dismissal is proper where at least four factors support dismissal or where at least three factors "strongly" support dismissal. *Beck v. Pike*, 2017 WL 530354, at \*5 (W.D. Wash. Feb. 9, 2017) (quoting *Hernandez v. City of El Monte*, 138 F.3d 393, 399 (9th Cir. 1998)).

Accordingly, Plaintiff is ORDERED to show cause by June 12, 2020, why the Complaint in this matter should not be dismissed for lack of prosecution. Failure to show cause shall be deemed a failure to properly prosecute and the Court will dismiss Plaintiff's Complaint without prejudice.

Dated this 14th day of May, 2020.



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MICHELLE L. PETERSON  
United States Magistrate Judge